

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION**

JESSE PIERCE and MICHAEL PIERCE,	)	
on behalf of themselves and all others	)	
similarly situated,	)	CASE NO. 3:13-cv-641
	)	
Plaintiffs,	)	District Judge: Pamela L. Reeves
	)	Magistrate Judge: C. Clifford Shirley, Jr.
vs.	)	
	)	
WYNDHAM VACATION RESORTS,	)	COLLECTIVE ACTION COMPLAINT
INC., and WYNDHAM VACATION	)	FOR VIOLATIONS OF THE FAIR
OWNERSHIP, INC.,	)	LABOR STANDARDS ACT OF 1938
	)	
Defendants.	)	
_____	)	

**JOINT MOTION REGARDING DISCOVERY**

Pending before the Court is Defendants' Motion for Relief and Reconsideration from the Magistrate's Order D.E. 147 Pursuant to Federal Rule of Civil Procedure 60 (*Doc. 148*) and Plaintiffs' Motion to Modify the September 25, 2015 Memorandum and Order and Request to Extend the Deadline for Plaintiffs to Provide Initial Disclosures from October 16, 2015, to October 26, 2015 (*Doc. 153*). In addition, Defendants have filed a Notice of Depositions of the two named Plaintiffs and the four opt-in Plaintiffs previously identified, to be taken on November 3-6, 2015.

The parties have met and conferred on these issues and have agreed to the following subject to the Court's approval:

1. The September 25, 2015 Memorandum and Order shall be modified to extend the deadline for the parties to exchange initial disclosures from October 16, 2015, to October 26, 2015.
2. As reflected in the Court's September 25, 2015 Memorandum and Order (*Doc. 147*), Plaintiffs shall provide a statement of the claimed overtime for the two named Plaintiffs

and the four opt-in Plaintiffs on or before November 20, 2015. Thereafter, the parties will confer in good faith regarding the nature and scope of production regarding the named Plaintiffs' and the four opt-in Plaintiffs' credit card statements and cell phone records during the Recovery Period, including the possibility of sampling. If the parties are unable to reach an agreement on these issues, the parties will promptly notify the Court for resolution.

3. Defendants agree to withdraw their Notice to Take Depositions without prejudice. The parties agree to work amicably to schedule the depositions of the two named Plaintiffs and the four opt-in Plaintiffs after the production of the credit card statements and cell phone records and will use their best efforts to schedule and take these depositions in December 2015, and if necessary, early January 2016.

Based on the foregoing, the parties request a modification of the September 25, 2015 Memorandum and Order, and entry of an order consistent with the foregoing.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 16, 2015, a true and correct copy of the foregoing has been served on the following individuals consenting to electronic service by operation of the Court's electronic filing system:

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